

REMARKS

Claims 25-28 are pending. Claim 25 has been amended for clarity. Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Applicants respectfully request that the finality of this Office Action be withdrawn due to the new grounds of rejection not being necessitated by Applicants' amendment of the claims, but instead based upon the previously cited references being unavailable.

More particularly, regardless of whether an amendment to the claims had previously been made, the new rejection was not due to the claim amendment, but rather was made based upon the art cited in the Office Action being unavailable. Therefore, the new rejection was not necessitated by any claim amendments, thereby making the finality of the rejection improper. Accordingly, entry of the proposed amendment is believed to be proper and is respectfully requested.

I. REJECTION OF CLAIMS 25-26 UNDER 35 U.S.C. § 102(e)

Claims 25-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,596,524 (Lin et al.). Withdrawal of the rejection is respectfully requested for at least the following reason.

Claims 25-27 are not anticipated by Lin et al. because Lin et al. fail to teach or suggest all of the claim limitations. It is noted that claim 25 has been amended for clarity.

*Claim 25 includes a deep conductive region formed to **a depth below the first and second conductive regions**, which is not taught by Lin et al.*

Lin et al. teach a programming junction (PRJ) region 408 which is formed by adding additional n+ dopant to the substrate directly beneath the gate oxide 404 in order to prevent depletion. (Column 4, lines 55-58). Lin et al. do teach n+ type implant regions 402 and 403 formed in the p type substrate. (Column 4, lines 45-46). However, Fig. 4A **shows the programming junction region 408 formed to the same**

depth as the implant regions 402 and 403 and fails to teach or suggest forming the programming junction region 408 to a depth below the implant regions 402 and 403. Accordingly, the programming junction region 408 is not a deep conductive region as in claim 25 nor is the programming junction region 408 formed to a depth below the first and second conductive regions. Lin et al. fail to teach each and every limitation of claim 25 and, as a result, fail to anticipate claim 25. Claims 26-27 depend from claim 25 and are allowable for at least the same reasons. Accordingly, withdrawal of the rejection is respectfully requested.

II. REJECTION OF CLAIM 28 UNDER 35 U.S.C. § 103(a)

Claim 28 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin et al. Withdrawal of the rejection is respectfully requested for at least the following reason.

Claim 28 depends from claim 25, which applicant believes to be allowable. Therefore, claim 28 is itself allowable. Accordingly, withdrawal of the rejection is respectfully requested.

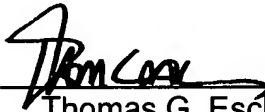
III. CONCLUSION

For at least the above reasons, the claims currently under consideration are believed to be in condition for allowance.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 20-0668, TI-20142.2.

Respectfully submitted,
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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: December 8, 2005


Christine Gillroy